IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1464 OF 2006

Ashok Laxman Kasar and Anr .. Petitioners

Vs

1. Dipali Sahebrao Kuwar and anr .. Respondents.

Mr Kishor D Patil i/b Mr P.N.Joshi, for the petitioners.

CORAM : D.B.BHOSALE,J.
DATE : 25.09.2006

PC:

1. Heard the learned counsel for the petitioners.

2. By this writ petition, the petitioners have impugned the order dated 20.12.2006, by which the petitioners' application for appointment of the Court Commissioner seeking measurement of the suit property, has been rejected for the reasons mentioned in paragraphs 4 to 6 of the order. I do not see any reason to exercise the writ jurisdiction under Article 227 of the Constitution of India. The impugned order is just and proper and deserves no interference. Hence, the writ petition is dismissed. However, dismissal of this petition shall not preclude the petitioners from getting the suit land measured privately from the appropriate authority and place a report on record and, if finds necessary, to examine the concerned officer in the course of trial. If the petitioners so desire, they are

allowed to apply for measurement of the land privately within one week from today and in that case the concerned authority shall carry out measurement as expeditiously as possible and preferably within a period of five weeks therefrom after following due procedure. The trial Court, in any case, shall not adjourn the hearing of the suit on this ground beyond the period of six weeks from today. The petitioners shall not seek adjournment on this ground beyond the aforesaid period of six weeks from today.

4. With these observations, the writ petition is disposed of.

(D.B.BHOSALE,J.)